

REMARKS/ARGUMENTS

1.) Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 16, 19-21, 24, 26, 28-32, 34 and 36-40 under 35 U.S.C. § 103(a) as being unpatentable over Bergstrom, et al. (US 6,131,013) in view of Heinonen, et al. (US 6,363,127) and Aretz, et al. (US 6,684,079). Applicants gratefully acknowledge Examiner's acceptance of our arguments made in the previously filed Response and Applicants further traverse the present rejection. As noted in our prior Response, the present invention teaches and claims an interference classifier that classifies types of interference as being either intra-cell and inter-cell. In response, Examiner cites Aretz for being able to distinguish between intra-cell and inter-cell interference. In particular, Examiner cites Fig. 1 and col. 6, lines 42-57 of Aretz for the proposition that it teaches an interference classifier that classifies types of interference as being either intra-cell and inter-cell. However, col. 6, lines 42-57 only refers to the invention of Aretz as minimizing both intra-cell and inter-cell interference. It does not teach discriminating between the two and thus classifying a type of interference, and then performing operations based on the classification. Nor does Figure 1 show a interference classifier.

Even presuming Aretz teaches this element, which it does not, it has been combined with two other references wherein the present patent application has been used as "a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit." Such hindsight reconstruction is not legally permissible. Orthopedic Equip. Co. v. United States, 702 F.2d 1005, 1012, 217 USPQ 193, 199 (Fed. Cir. 1983). Therefore, the allowance of claims 16, 19-21, 24, 26, 28-32, 34 and 36-40 is respectfully requested.

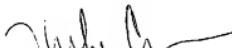
The Examiner rejected claim 35 under 35 U.S.C. § 103(a) as being unpatentable over Bergstrom in view of Heinonen and Smith, et al. (US 5,809,017), and further in view of Aretz. As noted above, Aretz fails to disclose an interference classifier that classifies types of interference as being either intra-cell and inter-cell. Therefore, the allowance of claim 35 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 16, 19-21, 24, 26, 28-32, and 34-40.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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